

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JANUARY 10, 2000
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:07 p.m. Deputy Mayor Mathis recessed the regular meeting at 4:35 p.m. to convene the Redevelopment Agency. The meeting was reconvened by Deputy Mayor Mathis at 4:36 p.m. with Mayor Golding not present. The meeting was adjourned by Deputy Mayor Mathis at 4:45 p.m. into closed session immediately following the regular meeting in the twelfth floor conference room to discuss existing litigation and Real Property negotiations.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Fishkin (pr)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Fishkin called the roll:

(M) Mayor Golding-present

(1) Council Member Mathis-present

- (2) Council Member Wear-not present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-not present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Pastor Gary Beneventi of Horizon Christian Fellowship.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Stallings.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by James Scott thanking the Mayor for the Sassafras Street off-ramp repairs. Mr. Scott also stated that he had a certificate of eligibility entitling him to a loan of \$27,500. He expressed that he wished to use the funds for building public shower stalls he designed.

Mr. Scott stated he will donate materials to build the first shower stall. He also requested receipt books for Trolley System enforcement officers.

Mayor Golding referred Mr. Scott to the San Diego Metropolitan Transit.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A037-071.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding his concern for interest on bonds for the ballpark. Mr. Stillwell referred to the "Spotlight" and information regarding interest free loans the City could take advantage of.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A072-115.)

PUBLIC COMMENT-3:

Comment by James Lindgren regarding De Anza Cove and that on November 23, 2000 over five-hundred residents will be displaced.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A115-146.)

PUBLIC COMMENT-4:

Comment by James Lambert regarding non-compliant pornographic displays and videos; mentioning they violate the law. Mr. Lambert stated he felt that there was a loop-hole in the Municipal Code (101.1803) regarding pornographic video stores.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-A171.)

PUBLIC COMMENT-5: REFERRED TO THE CITY MANAGER AND THE CITY ATTORNEY

Comment by Steve McWilliams regarding the medical use of marijuana, and police misconduct regarding confiscation of plants. Mr. Stevens stated that he reported certain City Administration members to the FBI.

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for the Regular Meeting of Monday, January 10, 2000**

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Mayor Golding mentioned that since a lawsuit had been filed by Mr. Williams already, she would refer this matter to the City Manager.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A174-208.)

PUBLIC COMMENT-6:

Comment by Barbara MacKenzie regarding her feeling that the City of San Diego needs to resolve the issues surrounding the medical use of Marijuana in compliance with Federal laws.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A209-A235.)

PUBLIC COMMENT-7:

Comment by Mel Shapiro regarding his concern over bond issues and financial projections relating to the ballpark. Mr. Shapiro stated he felt the City's fiscal 2000 budget was wrong.

Mayor Golding stated that the expansion of the Convention Center is expected to open in the year 2001, and due to the expansion many conventions are already booked. She explained that there is always some decrease in bookings during construction. Regarding the ballpark, the public will have available all the information from the rating agencies on their financial examination. Once all the financial data is assembled and the City is in the process of finalizing the negotiations with the Padres on the final financial documents, that will be ultimately submitted to the rating agencies. Those documents will also be available to the public as well as the Council as soon as they are completed.

The City Manager stated he will have a financial status report out in approximately ten days that will address TOT issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A236-268.)

PUBLIC COMMENT-8: REFERRED TO THE CITY MANAGER

Comment by Billy Paul on an alternate location for the current Seal Rock Children's Pool. Mr. Paul suggested the new location be De Anza Cove, and mentioned that the Enterprise Fund could provide the money.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A307-343.)

PUBLIC COMMENT-9:

Comment by Daniel Beeman regarding the City Council's need to focus on neighborhood citizen employment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-377.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Vargas regarding the Chief of Police and commending him on the work he has been doing; enforcing the laws of the City and doing a terrific job.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A378-381.)

COUNCIL COMMENT-2:

Comment by Council Member McCarty stating that she was assuming the City Manager is doing a review of what happened at the Raiders game, and that a family in her District were actually beaten-up. Council Member McCarty stated they were season ticket holders and that "you can't come home from a game in pieces."

City Manager Uberuaga stated that he will be having a meeting on Thursday with the Police Department, The City Manager's Office and the Chargers to discuss how to prepare for next years Raider game; what kind of security will be provided and that there would be preparation for prevention of problems for next years Raider game. The City Manager informed Council that the newspaper report was incorrect, and that there were 12 arrests not 124.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A387-414.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

11-22-99
11-23-99
11-29-99
11-30-99
12-06-99
12-07-99
12-14-99

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A420-426.)

MOTION BY WEAR TO APPROVE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: Julius R. Bennett Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-742) ADOPTED AS RESOLUTION R-292617

Proclaiming January 10, 2000 to be "Julius R. Bennett Day" in San Diego with deep and sincere appreciation for a career dedicated to helping others, while extending our heartfelt best wishes upon his well deserved retirement from City service.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A428-495.)

MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-32: Elaine and Murray Galinson Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-726) ADOPTED AS RESOLUTION R-292618

Recognizing the outstanding contributions that Elaine and Murray Galinson have made to improving the lives of the citizens in San Diego and their efforts to expand and improve the Museum of Photographic Arts;

Proclaiming January 8, 2000 to be "Elaine and Murray Galinson Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A585-607; B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-33: Mr. Morris S. Casuto Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-723) ADOPTED AS RESOLUTION R-292619

Commending Mr. Morris S. Casuto for his dedicated efforts and service to the community and proclaiming January 10, 2000 to be "Mr. Morris S. Casuto Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B001-097.)

MOTION BY STEVENS TO ADOPT. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-34: Presentation by the Endangered Habitats League (EHL) of its "Award of Excellence" to San Diego Mayor Susan Golding.

PRESENTED

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B099-200.)

* ITEM 50: Ballpark and Redevelopment Project.

RETURNED TO THE CITY MANAGER

NOTE: If the proposed agreements and other documents set forth in Items 203 and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 4, 2000, Items 50, 203, and 204 will not be considered at the Council meeting of January 10, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/14/99. (Council voted 6-3. Councilmembers Mathis, Wear, Stevens, Stallings, Vargas, and Mayor voted yea. Councilmembers Kehoe, Warden, and McCarty voted nay):

(O-2000-86 Cor. Copy)

Approving the form of and authorizing the execution and delivery of a Site Lease and a Ballpark Facility Lease and approving and authorizing the execution, delivery and performance of an Assignment Agreement and an indenture by the Public Facilities Financing Authority of the City of San Diego and approving and authorizing the issuance and sale of the Authority's Lease Revenue Bonds, Series 2000A and approving certain other documents.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER BECAUSE DOCUMENTS WERE NOT COMPLETED IN TIME FOR REVIEW BY COUNCIL AND THE PUBLIC. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-51: Torrey Santa Fe.

Matter of rezoning (RZ) from A1-10 (Agricultural) to R1-5000 (Single-Family), R-3000 (Multi-Family), R-800 (Multi-Family), M-IP (Industrial), and OS-OSP (Open Space-Open Space Parkland).

(Torrey Highlands Subarea IV Community Plan area. District-1.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/7/99. (Council voted 9-0):

(O-2000-85) ADOPTED AS ORDINANCE O-18737 (New Series)

Rezoning a portion of a 117.7 acre site located south of Planned State Route 56, west of Planned Camino Ruiz and north of Deer Canyon (Parcel 1) from the A1-10 (Agricultural) zone into the R1-5000 (Single-Family), R-3000 (Single-Family), R-800 (Multi-Family), Industrial zone designation M-IP (Industrial) and OS-OSP (Open Space-Open Space Parkland) zones.

FILE LOCATION: LAND - Torrey Highlands Subarea IV Community Plan
(10)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-52: Riviera Del Sol.

Matter of rezoning 103.6 acres.

(RZ-98-0762. Otay Mesa Community Plan area. District-8.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/7/99. (Council voted 9-0):

(O-2000-83) ADOPTED AS ORDINANCE O-18738 (New Series)

Rezoning 103.6 acres located on the east side of Interstate 805 and the north side of State Route 905, from the A1-10 and HRO zones to the A1-10, R1-5000, R-1500, M-1, HRO and OS-P zones.

FILE LOCATION: LAND - Otay Mesa Progress Guide & General Plan (09)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-53: Staybridge Suites Hotel Sorrento Mesa.

Matter of rezoning 3.99 acres from M-1B to M-1 zone.

(RZ/PID-98-0781. Mira Mesa Community Area. District-5.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/7/99. (Council voted 9-0):

(O-2000-75) ADOPTED AS ORDINANCE O-18739 (New Series)

Rezoning 3.99 acres located on the south side of Mira Mesa Boulevard, west of Viper Way, legally described as Parcel 4, Parcel Map 17998, from M-1B zone into the M-1 zone.

FILE LOCATION: PERM-98-0781 (65)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-54: Staybridge Suites.

Matter of rezoning a 3.7 acre site from industrial M-LI zone to industrial M-1 zone.

(RZ-99-0381. Carmel Mountain Ranch Community Area. District-5.)

NOTE: The public testimony portion of the hearing is closed.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/7/99. (Council voted 9-0):

(O-2000-82) ADOPTED AS ORDINANCE O-18740 (New Series)

Rezoning 3.7 acres located on the south side of Avenue of Industry and the east side of Innovation Drive from the M-LI zone into the M-1 zone.

FILE LOCATION: LAND - Carmel Mountain Ranch Community Area
Plan (10)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING
AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following
vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-55: Amending the Municipal Code relating to the San Diego Underwater Recreation Area.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/7/99. (Council voted 9-0):

(O-2000-87 Cor. Copy) ADOPTED AS ORDINANCE O-18741 (New Series)

Amending Chapter VI, Article 3, Division 3, of the San Diego Municipal Code by
amending the Title of Division 3 to read San Diego Underwater Recreation Area
and by amending Division 3 by adding Sections 63.0301 through 63.0305 relating
to the San Diego Underwater Recreation Area.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING
AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following
vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-56: Amending the San Diego Municipal Code to Conform to Federal Pretreatment Language.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/6/99. (Council voted 9-0):

(O-2000-69) ADOPTED AS ORDINANCE O-18742 (New Series)

Amending Chapter VI, Article 4, Division 3, of the San Diego Municipal Code by amending Section 64.0301 and amending Chapter VI, Article 4, Division 5, by amending Section 64.0512, related to Discharges into Wastewater System.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-100: Two actions related to the Final Subdivision Map of 235 on Market.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-739) ADOPTED AS RESOLUTION R-292620

Authorizing the City Manager to execute a Subdivision Improvement Agreement with 235 Market, LLC, for the installation and completion of certain public improvements in the subdivision to be known as 235 On Market.

Subitem-B: (R-2000-533) ADOPTED AS RESOLUTION R-292621

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a .442 acre site into one lot for a 57 unit condominium project. It is located on the south side of Market Street between Second Avenue and Third Avenue in the Centre City Community. On March 11, 1999 the Planning Commission of the City of San Diego approved Planning Commission Resolution No. PC-2770 for 235 on Market. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 29910-1-D through 29910-21-D, filed in the Office of the City Clerk under Micro Number 140.16. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$72,854 and a Performance Bond in that amount has been provided as surety.

A cash bond in the amount of \$400, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is subject to impact fees, as established by the City Council at the time of building permit issuance. Development on any property within this map shall pay the fees as set by City Council in effect and due at the time building permits are issued. Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development".

FISCAL IMPACT:

None.

Culbreth-Graft/Haase/SH

FILE LOCATION: Subitems A,B: SUBD - 235 On Market.

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-101: Revestment of Abutter's Right of Access and the Acceptance of Street and Water Easements - Signature Point.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-738) ADOPTED AS RESOLUTION R-292622

Authorizing the Revestment of Abutter's right of access to a portion of Lot 3, Map-11985;

Authorizing the City Engineer to execute a quitclaim deed of the City of San Diego in favor of Pardee Construction Company (Pardee), granting to Pardee a portion of Lot 3, Map-11985;

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, granting to the City an easement in Lot 3 of Map-11985, dedicating as and for a public street and naming the same Signature Point;

Approving the acceptance by the City Manager of a grant deed of Pardee Construction Company, granting to the City an easement in Lot 3 of Map-11985, for water facilities;

Authorizing the City Manager to execute a Joint Use Agreement with San Diego Gas and Electric Company.

CITY MANAGER SUPPORTING INFORMATION:

The requested actions are to support the Signature Point Project, consisting of 261 multi-family residential units located within the Carmel Valley Planned District. The abutter's rights of access were relinquished along the northerly right of way of Del Mar Heights Road on a previous subdivision map. A condition of the Carmel Valley Planned District Development Permit No. 98-0198, is to create a road opening at the location shown on Drawing 19026-B. The City Council is requested to revest the access rights at that location. Another condition of the Planned District Development Permit No. 98-0198 is to dedicate a cul-de-sac, to be named Signature Point (shown as Parcel "A"), and an easement for water facilities (shown as Parcel "B"). Both Parcels "A" and Parcel "B" are shown on Engineer Drawing No. 00015-C. There is an existing easement in favor of San Diego Gas and Electric over a portion of the public street easement shown as Parcel "A" on Drawing No. 00015-C. San Diego Gas and Electric has agreed to enter into an agreement with the City of San Diego for Joint Use. Staff recommends approval of these items.

FISCAL IMPACT:

None. All costs are paid by the applicant.

Culbreth-Graft/Haase/SH

FILE LOCATION: DEED F-7671

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-102: Sewer Easement Abandonment in Parcel 1 of Parcel Map PM-13322.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-716) ADOPTED AS RESOLUTION R-292623

Vacating the sewer easement located within the Carmel Valley Community Area, in Parcel 1 of Parcel Map PM-13322, under Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a sewer easement in Parcel 1 of Parcel Map PM-13322 in the Carmel Valley Community Area. This sewer easement has never been used for public facilities. There are no plans for future use of the easement because all adjacent properties have sewer connections to the street. The applicant wishes to remove the encumbrance from his property to facilitate private use of the easement area. The easement was acquired at no cost to the City. City staff recommends approval.

FISCAL IMPACT:

None. All costs are paid by the applicant.

Culbreth-Graft/Haase/SH

FILE LOCATION: DEED F-7672

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-103: Two actions related to Street Dedication of Carmel Mountain Road within City Owned Land.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-625) ADOPTED AS RESOLUTION R-292624

Accepting on behalf of the public the Northerly portion of the West ½ of the Northeast 1/4, of the Northeast 1/4, of the Southeast 1/4, of Section 29, Township 14 South, Range 3 West, San Bernardino Meridian, dedicating as and for a public street and naming the same Carmel Mountain Road.

Subitem-B: (R-2000-626) ADOPTED AS RESOLUTION R-292625

Stating for the record that the information contained in Environmental Impact Reports LDR-96-0736 and LDR-96-0737, adopted on June 30, 1997, has been reviewed and considered by the Council and it is determined that no substantial change or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review.

CITY MANAGER SUPPORTING INFORMATION:

The northerly portion of this City-owned parcel must be dedicated for a public street purposes to develop Carmel Mountain Road for access to the Carmel Valley Neighborhood 10 development

and future developments. See drawing 23236-1-D and Exhibit "A" for legal description of the portion of City-owned land which needs to be dedicated for a public street and named Carmel Mountain Road. Staff recommends approval of the Street Dedication.

FISCAL IMPACT:

None. All costs have been paid for by the applicant.

Culbreth-Graft/Haase/LH

FILE LOCATION: Subitems A,B: DEED F-7673

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-104: Street Reservation Vacation in Lot 7 of Block 50, Map 3253.

(Linda Vista Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-737) ADOPTED AS RESOLUTION R-292626

Vacating the street reservation located in Lot 7 of Block 50, Map 3253, within the Linda Vista Community Plan Area.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a street reservation in Lot 7 of Block 50 in the Linda Vista Subdivision, located in the Linda Vista Community Planning area. The street reservation was never accepted for public street purposes and is no longer needed for present or prospective public use. The easterly half of the street reservation was previously vacated by Council in 1983. The street reservation to be vacated was acquired at no cost to the City. City staff recommends approval of the vacation of the street reservation.

FISCAL IMPACT:

None. All costs are paid by the applicant.

Culbreth-Graft/Haase/SH

FILE LOCATION: STRT - J - 2905 (39)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-105: In Recognition of Jack McRoskey.

COUNCILMEMBER MATHIS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-748) ADOPTED AS RESOLUTION R-292627

Recognizing the thirty-eight years of pioneering spirit contributed by Jack McRoskey as a visionary in planning of the University City Community upon his retirement from active membership on the University Community Planning Group.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-106: Excusing Councilmember Kehoe from Scheduled Council Meetings on 11/29/99 and 11/30/99 and Scheduled Public Safety and Neighborhood Services Committee on 12/1/99.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-724) ADOPTED AS RESOLUTION R-292628

Excusing Councilmember Kehoe from attending the following scheduled meetings, due to her attendance to other City business:

1. Council meetings of November 29, and 30, 1999.
2. Public Safety and Neighborhood Services Committee meeting of December 1, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-107: B-24 Liberator Bomber Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-727) ADOPTED AS RESOLUTION R-292629

Recognizing the outstanding contributions the World War II veterans involved with the B-24 Liberator bomber have made to improving the lives of the citizens in San Diego and defending our country;

Proclaiming December 11, 1999 to be "B-24 Liberator Bomber Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-108: Juan Quezada Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-732) ADOPTED AS RESOLUTION R-292630

Recognizing the outstanding artistic and cultural contributions of Juan Quezada;

Proclaiming January 14, 2000 to be "Juan Quezada Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-109: Excusing Councilmember Stevens from the Public Safety and Neighborhood Services Committee Meeting of 12/1/99.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-722) ADOPTED AS RESOLUTION R-292631

Excusing Councilmember George Stevens from attending the regularly scheduled

Public Safety and Neighborhood Services Committee meeting of December 1, 1999.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-110: Wayne Nelson Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-729) ADOPTED AS RESOLUTION R-292632

Commending and thanking Wayne Nelson for his incredible commitment and dedication to community service;

Proclaiming December 9, 1999 to be "Wayne Nelson Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-111: Steve Vaus Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-730) ADOPTED AS RESOLUTION R-292633

Commending and thanking Steve Vaus for his incredible commitment and dedication to community service;

Proclaiming December 9, 1999 to be "Steve Vaus Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-112: Settlement of the City of San Diego v. United Technologies Corporation.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-744) ADOPTED AS RESOLUTION R-292634

A Resolution approved by the City Council in Closed Session on Tuesday, December 7, 1999, by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-yea; Stallings-yea; McCarty-yea; Vargas-yea; Mayor-yea.

Accepting the settlement offer of the defendant in City of San Diego v. United Technologies Corporation, Superior Court No. RIC 313794;

Authorizing the City Manager and City Attorney to negotiate and execute a settlement with the defendant in the case of City of San Diego v. Amoco Corporation, U.S. District Court Case No. 98-0474-E;

Declaring that the settlement funds in the cases shall be deposited in Sewer Revenue Fund No. 41509.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-113: Time Limit Parking on Sports Arena Boulevard.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-715) ADOPTED AS RESOLUTION R-292635

Establishing a two-hour unmetered time limit parking zone on the south side of Sports Arena Boulevard from Enterprise Street to a point 250 feet west of Enterprise Street, effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, pursuant to Council Policy No. 200-4, entitled "Installation or Removal of Time Limit Parking Zones and Parking Meter Zones";

Authorizing the removal of the necessary signs and markings.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a two-hour unmetered time limit parking zone effective between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the south side of Sports Arena Boulevard from Enterprise Street to a point 250 feet west of Enterprise Street. Council approval is required according to Municipal Code Section 86.04. Recent studies indicate that this segment of Sports Arena Boulevard is heavily impacted by long term parking. The average parking occupancy is 85 percent, the average parking duration is 5.5 hours, and the average turnover is 1.57 parkers per space. This satisfies the criteria established in Council Policy 200-04 for the installation of time limit parking. A petition representing 100 percent of the affected properties was submitted in support of this action. The Midway Community Plan Advisory Committee supports this action.

FISCAL IMPACT:

None.

Loveland/Gonzalez/AH

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-114: Office Space Lease - Police Department.

(Grantville Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-676) ADOPTED AS RESOLUTION R-292636

Authorizing the City Manager to execute a five-year lease agreement with CTF-I Mission, LLC, for the lease of office space by the Police Department of approximately 5,001 square feet at 6160 Mission Gorge Road, Suite 204, San Diego, California, at an initial monthly rent of \$7,001.40 commencing January 1, 2000, and terminating December 31, 2004;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$42,008.40 from Fund 100 for rent from the FY2000 budget.

CITY MANAGER SUPPORTING INFORMATION:

The Police Department is proposing to lease approximately 5,001 square feet on the second floor at 6160 Mission Gorge Road for administrative office space, under the following basic terms:

TERM - Approximately 5 years. Lease will be effective January 1, 2000 and will terminate December 31, 2004.

RENT - \$1.40 per square foot or \$7,001.40 per month. Rent is at market rate as compared to the lease rates in this area.

USE - General office usage for the Police Department.

SIZE - 5,001 square feet.

TENANT IMPROVEMENTS - The Landlord is responsible for the installation and costs associated with the tenant improvements. Tenant Improvements are estimated at \$25 per usable square foot or \$108,775.

FISCAL IMPACT:

\$42,008.40 will be paid from the Police Department's Fund 100 for FY2000.

Culbreth-Graft/Griffith/DLM

Aud. Cert. 2000554.

FILE LOCATION: LEAS - CTF- I Mission, LLC

COUNCIL ACTION: (Tape location: B275-656; C020-026.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-115: Appointment to the Citizens Equal Opportunity Commission.

(See memorandum from Mayor Golding dated 12/14/99 with resume attached.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-746) ADOPTED AS RESOLUTION R-292637

Council confirmation of the following appointment by the Mayor to the Citizens Equal Opportunity Commission, for a two-year term as indicated, and in the category as specified:

<u>Name</u>	<u>Category</u>	<u>Term Ending</u>
Debbie Day (Replacing William J. Lyons, whose term has expired.)	City at Large	January 1, 2002

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-116: Reappointment to the Civil Service Commission.

(See memorandum from Mayor Golding dated 12/16/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-762) ADOPTED AS RESOLUTION R-292638

Council confirmation of the reappointment by the Mayor of Daniel E. Eaton to serve as a member of the Civil Service Commission, for a five-year term ending January 9, 2005.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

* ITEM-117: Appointment to the Park and Recreation Board.

(See memorandum from Mayor Golding dated 12/16/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-760) ADOPTED AS RESOLUTION R-292639

Council confirmation of the appointment by the Mayor of Greg Seremetis to serve as a member of the Park and Recreation Board, for a term ending March 1, 2000, replacing James Vincent Tindaro, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-118: Reappointments to the Qualcomm Stadium Advisory Board.
(See memorandum from Mayor Golding dated 12/16/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-761) ADOPTED AS RESOLUTION R-292640

Council confirmation of the following reappointments by the Mayor to serve as members of the Qualcomm Stadium Advisory Board for terms ending as indicated:

<u>NAME</u>	<u>FOR TERM ENDING</u>
Robert W. Brownlie (County Resident)	January 1, 2004
Joseph Martinez (City Resident)	January 1, 2004
Stephen M. Redfearn (City Resident)	January 1, 2004
Regina A. Petty (County Resident)	January 1, 2004

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- * ITEM-119: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2000-736) ADOPTED AS RESOLUTION R-292641

Declaring a continued state of emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

- ITEM-150: Modification of San Diego Data Processing Corporation Articles of Incorporation to Change the Name of the Corporation to Regional Information Systems, Inc.

(See letter from San Diego Data Processing Corporation dated 10/5/99.)

TODAY'S ACTION IS: RETURNED TO THE CITY MANAGER

Adoption of the following resolution:

(R-2000-425)

Amending the San Diego Data Processing Corporation's Articles of Incorporation to change the name of San Diego Data Processing Corporation to Regional Information Systems, Inc.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 11/29/99, RULES voted 4-0 to modify the Articles of Incorporation for the San Diego Data Processing Corporation to change the name of the Corporation to Regional Information Systems, Inc. (Councilmembers Mathis, Wear, Warden, and Vargas voted yea. Mayor not present.)

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Data Processing Corporation (SDDPC) Board has proposed that the City Council allow the Corporation to modify its Articles of Incorporation to change the name of the Corporation to "Regional Information Systems, Inc." (RISI). This change is being suggested by the SDDPC Board to "better reflect the scope of services presently provided." Staff recommends approval of the name change to replace outdated terminology "Data Processing" with "Information Systems."

FISCAL IMPACT:

None with this action.

Frazier/REW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-151: Mid-Block Street Lighting Around Transit Stops, High-Crime Residential Areas and Commercial Areas.

(See City Manager Report CMR-99-204.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2000-621) ADOPTED AS RESOLUTION R-292643

Amending Council Policy No. 200-18 titled, "Mid-Block Street Light Policy for Developed Areas," to allow the installation of mid-block street lighting every 150 feet in high-crime residential areas, commercial areas, and within a quarter of a mile of all transit stops.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 10/27/99, PS&NS voted 4-0 to approve the City Manager's recommendation. (Councilmembers Mathis, Wear, Kehoe, and Stevens voted yea. Councilmember Warden not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C028-D164.)

MOTION BY WEAR TO ADOPT THE RESOLUTION WITH DIRECTION TO THE CITY MANAGER TO BRING BACK DETAILS RELATIVE TO THE LINK OF THE POLICY TO ASSESSMENT DISTRICTS. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-200: Two actions related to Amendment to the San Diego Municipal Code to add a Widows Benefit for the Spouse(s) of those City Employees who are Killed in the Line of Duty as a result of Physical Force or Physical Violence, pursuant to Assembly Bill 3478 and Senate Bill 563.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2000-90) INTRODUCED, TO BE ADOPTED ON JANUARY 31, 2000.

Introduction of an Ordinance amending Chapter II, Article 4, of the San Diego Municipal Code by amending Section 24.0715, 24.1201, and 24.1202, all relating to the San Diego City Employees' Retirement System.

Subitem-B: (R-2000-766) ADOPTED AS RESOLUTION R-292644

Adoption of a Resolution authorizing the expenditure of an amount not to exceed \$104,850 from Fund No. 60011, to provide funds for the payment of Widows' benefits beginning December 31, 1998 through June 30, 2000, and that funds for the payment of Widows' benefits after that date will continue to be paid through the San Diego City Employees' Retirement system.

CITY MANAGER SUPPORTING INFORMATION:

PUBLIC SAFETY WIDOWS BENEFIT:

Background:

Assembly Bill 3478 and Senate Bill 563 were Passed by the California Legislature in the 1995-96 and 1996-97 legislative sessions respectively. AB 3478 required local governments to delete the "remarriage penalty" which prohibited the surviving spouse from continuing to receive retirement benefits from the death of the prior spouse after remarrying. AB 3478 also required local governments to provide health benefits for the surviving families of firefighters or peace officers killed in the line of duty, on or after September 30, 1996.

SB 563 was then Passed to clarify the intent of AB 3478 and to extend the benefits to those surviving families whose spouse was killed in the line of duty prior to September 30, 1996, thereby making the spouses of all peace officers and firefighters who were killed in the line of duty, eligible to receive the benefit. Further SB 563 requires that health benefits be provided under the same terms and conditions provided prior to the firefighter or peace officer's death. This legislation did not apply to the City of San Diego as a charter city.

As a point of information, the City does not currently provide dependent health care to active or retired employees. Since the City relied upon the language stating that health benefits were to be provided under the same terms and conditions provided prior to the firefighter or peace officer's death, no health insurance coverage was provided to the surviving spouses or dependents. If the City elects to provide this benefit, the Flexible Benefit allowance appears to be the most equitable way to provide this benefit.

PROPOSAL:

Provide to the surviving family (to include dependent minor children under the age of 21) of City employees, who are CERS participants and are killed in the line of duty as a result of physical force or physical violence, the choice to select City sponsored health insurance or to be reimbursed for health insurance premiums upon proof of coverage, up to the amount equal to the City's Annual Flexible Benefit Contribution to active employees (currently \$3,975 annually), retroactive to 12/31/98. The family would be reimbursed up to \$1,850, upon proof of coverage, for the period of 12/31/98 through 6/30/99 (based on the prorated flexible benefits annual value of \$3,700, and up to \$3,975 for the period of 7/1/99 through 6/30/2000.

Background:

Under the City's current flexible benefits program, active employees receive flexible benefit dollars to pay for health insurance including the cost of dependent health insurance. The City currently provides \$3,975 per year for active employees. There are currently 18 surviving spouses who would be eligible to receive the benefit. The benefits would be made available through a mid-year open enrollment process for this closed group (the City's health care providers have agreed to extend coverage for the surviving spouses and dependent children if the City adopts the proposal). The benefit costs would be charged to the City Employees Retirement System Health Trust Reserve and the benefits would be administered by the CERS. There is no cost to the General Fund.

FISCAL IMPACT:

The following chart summarizes the CERS's costs associated with adding the Public Safety Widows Benefit.

	<u>Projected Expenditure</u>
Flex Benefits annual value (FY 1999 half year)	\$1,850
Flex Benefits annual value (FY 2000)	<u>\$3,975</u>
Total FY 2000 Cost	\$5,825 x 18 families = \$104,850

City Manager's Recommendation:

Approve amendments to the San Diego Municipal Code to provide to the surviving family (to

include dependent minor children under the age of 21) of City employees, who are CERS participants and are killed in the line of duty as a result of external violence or physical force, the choice to select City sponsored health insurance or to be reimbursed for health insurance premiums upon proof of coverage, up to the amount equal to the City's Annual Flexible Benefit

Contribution to active employees (currently \$3,975 annually) retroactively to 12/31/98.

Herring/Kelly

Aud. Cert. 2000526 Rev.

FILE LOCATION: Subitem A: None
Subitem B: MEET

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. TO INCLUDE AS PART OF THE CONSENT MOTION AND AS STATED IN THE MEMORANDUM DISTRIBUTED TO COUNCIL FROM THE CITY MANAGER DATED JANUARY 10, 2000 THE FOLLOWING: STAFF WILL PREPARE A SECOND ORDINANCE INCORPORATING THE AMENDMENT REGARDING A MORE THOROUGH DEFINITION OF WHAT CONSTITUTES A "LINE OF DUTY DEATH" FOR INTRODUCTION ON JANUARY 31, 2000, AND IF APPROVED, THE SECOND READING WILL OCCUR ON FEBRUARY 22, 2000. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-201: Two actions related to Amending the Transit Shelter and Bus Bench Memorandum of Understanding.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution and introduce the ordinance:

Subitem-A: (R-2000-316) ADOPTED AS RESOLUTION R-292645

Authorizing the City Manager to execute a Second Amendment to the Memorandum of Understanding (MOU) for the Administration of Transit Shelter and Bus Bench Program with the San Diego Metropolitan Transit Development

Board, to collect revenue from advertisements on bus benches;

Authorizing the City Manager to receive and expend the City's portion of the revenue for street improvements at transit stops;

Terminating the Revocable Permit with Coast United Advertising, Inc., dated February 20, 1975.

Subitem-B: (O-2000-32) INTRODUCED, TO BE ADOPTED ON JANUARY 31, 2000.

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter VI, Article 2, Division 5, by repealing Section 62.0501, relating to Street Benches, Conditions and Regulations.

CITY MANAGER SUPPORTING INFORMATION:

The existing Transit Shelter and Bus Bench Memorandum of Understanding (MOU) between the Metropolitan Transit Development Board (MTDB) and the City provides MTDB authority to install transit shelters and benches in the public right-of-way. The purpose of the proposed amendment to the MOU is to address the bus bench component of this agreement which does not provide for MTDB to collect revenues from the advertisements on bus benches.

MTDB has requested that the City amend the existing MOU to allow them to collect revenues from the advertisements on bus benches. Currently, the City is receiving \$1 per month per bench (approximately \$9,700 per year) from an existing revocable permit with Coast United Advertising, Inc. The income stream expected to be derived from the new bus bench program is proposed to be split 50/50 between MTDB and the City, after payment of MTDB's administrative expenses. The City's portion of the revenue is to be used for roadway and sidewalk improvements at transit stops including, but not limited to concrete bus pads, sidewalk, and curb and gutter improvements. MTDB's portion will likewise be used for transit enhancements and service. This is also a request to terminate the 1975 Revocable Permit with Coast United Advertising, Inc., which is in existence today. The provision of the San Diego Municipal Code, Section 62.0501, Street Benches; Conditions and Regulations, requires that a permit be obtained from the City Manager to install street benches in the public right-of-way. Permits can be obtained for street benches pursuant to San Diego Municipal Code, Section 62.0302, Encroachment Removal Agreement. Therefore, to simplify and clarify the City's Municipal Code, it is recommended that Section 62.0501, Street Benches; Conditions and Regulations, be deleted and substituted by the existing Section 62.0302, Encroachment Removal Agreement.

FISCAL IMPACT:

Estimated revenue to the City is approximately \$44,000 per year, and will increase as the

number of bus benches increase. Revenue will be transferred from MTDB to Street Division Fund 10440.

Loveland/Gonzalez/AH

FILE LOCATION: Subitem A: MEET
Subitem B: None

COUNCIL ACTION: (Tape location: D166-300.)

MOTION BY WEAR TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTION. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-not present.

ITEM-202: Inviting Bids for the Sidewalk and Curb/Gutter Replacement City Wide - "C-17".

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-504) ADOPTED AS RESOLUTION R-292646

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental for the Sidewalk and Curb/Gutter Replacement City Wide - "C-17";

Authorizing the Contract Services Division of the City of San Diego to invite bids for the project;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$700,000 from Street Division's Operating Fund 10440 for the purpose of providing funds for the project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K-20029-C)

CITY MANAGER SUPPORTING INFORMATION:

This action will provide for the replacement of damaged concrete hard scape surfaces in all Council Districts. Specific sidewalk and curb replacement locations are selected from the Street

Division's current concrete backlog. Most locations are for the repair of sidewalks which have been damaged by parkway trees. It is projected that 554 locations can be completed by this contract. The projected contract locations are sites which involve sidewalk, curb repairs, and pedestrian ramp installations throughout the city.

FISCAL IMPACT:

The cost of this contract is estimated not to exceed \$700,000. Funds are available in the Street Division's Operating Fund No. 10440 for this purpose.

Loveland/Gonzalez/RCL

Aud. Cert. 2000551.

FILE LOCATION: CONT - Scheidel Contract and Engineering - Sidewalk and Curb/Gutter Replacement City Wide - "C-17".

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-203: Ballpark and Redevelopment Project.

RETURNED TO THE CITY MANAGER

(Centre City East Community Area. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 203 and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 4, 2000, Items 50, 203, and 204 will not be considered at the Council meeting of January 10, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2000-757)

Approving the form and authorizing the execution and delivery of a Purchase Contract relating to the Public Facilities Financing Authority of the City of San Diego Lease Revenue Bonds, Series 2000A; authorizing an agreement with Merrill Lynch, Pierce, Fenner & Smith for interim financing services related to the Ballpark financing; authorizing the City Auditor and Treasurer to expend an amount not to exceed \$50,000 from Fund No. 102214, Dept. 102214, Org. 200, J.O. 000212 for interim services relating to Ballpark financing incurred by the underwriters prior to the issuance of the 2000A Bonds; and approving other actions in connection therewith and determining that there are significant public benefits to the City of San Diego from the issuance of the bonds.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego retained the underwriting services of Merrill Lynch & Company in December 1998 for the Ballpark & Redevelopment Project. The proposed Contract of Purchase (Bond Purchase Agreement) is an agreement between the Public Facilities Financing Authority, the City of San Diego, and Merrill Lynch & Company for the initial purchase and the subsequent public offering of lease revenue bonds. Also, an agreement is being proposed between the City of San Diego and Merrill Lynch & Company. This agreement provides for interim funding not to exceed \$50,000 for advisory services pertaining to the financing of the Ballpark & Redevelopment Project.

Frazier/Vattimo/ELK

Aud. Cert. 2000596.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER BECAUSE DOCUMENTS WERE NOT COMPLETED IN TIME FOR REVIEW BY COUNCIL AND THE PUBLIC. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-204: Six actions related to Issuance of Ballpark and Redevelopment Project Permanent Financing.

(See City Manager Report CMR-99-237. Centre City Redevelopment Project. District-2.)

NOTE: If the proposed agreements and other documents set forth in Items 203 and 204 are not on file in the Office of the City Clerk and available for public review by the close of business on January 4, 2000, Items 50, 203, and 204 will not be considered at the Council meeting of January 10, 2000, but will either be returned to the City Manager for re-docketing at a later time or will be continued to a future Council meeting.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2000-754) RETURNED TO THE CITY MANAGER

Authorizing the execution of the Memorandum of Agreement for the Extension of the Partial Use and Occupancy Agreement for Qualcomm Stadium between the City and the Padres, L.P.

Subitem-B: (R-2000-759) RETURNED TO THE CITY MANAGER

Authorizing the execution of a Use, Occupancy and Management Agreement between the City and the Padres, L.P. for the use, occupancy and management of the proposed new ballpark.

Subitem-C: (R-2000-758) RETURNED TO THE CITY MANAGER

Authorizing the execution of a Design-Build Procurement Consultant Agreement between the City, Padres, L.P. and Padres Construction, L.P. for the design construction of the proposed new ballpark.

Subitem-D: (R-2000-755) RETURNED TO THE CITY MANAGER

Accepting the Guaranty Agreement Concerning the Ballpark Design-Build Procurement Consultant Agreement from Padres, L.P. to the City regarding the design and construction of the proposed new ballpark.

Subitem-E: (R-2000-764) RETURNED TO THE CITY MANAGER

Approving the form of Parking Management Agreement for a proposed Ballpark Project Parking Facility.

Subitem-F: (R-2000-756) RETURNED TO THE CITY MANAGER

Authorizing the execution of a Declaration of Covenants, Conditions and Restrictions of Ballpark Owners Association and Establishment of Reciprocal Easements regarding the ownership interests at the proposed new ballpark and the proposed Park at the Park.

FILE LOCATION: Subitems A-F: MEET (64)

COUNCIL ACTION: (Tape location: B275-656.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER BECAUSE DOCUMENTS WERE NOT COMPLETED IN TIME FOR REVIEW BY COUNCIL AND THE PUBLIC. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-205: HEARING HELD; REFERRED TO CLOSED SESSION ON MONDAY, JANUARY 10, 2000.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium.

Agency Negotiator: City Manager and City Negotiation Team
(Resolution No. R-289758).

Negotiating Parties: City of San Diego and San Diego Padres.

Under Negotiation: Price and terms of use and occupancy agreement extension.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the

docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Adjourn into Closed Session at the designated and noticed time.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B275-656.)

Mayor Golding closed the hearing.

ITEM-206: HEARING HELD; REFERRED TO CLOSED SESSION ON MONDAY,
JANUARY 10, 2000.

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: East Village Area of Downtown San Diego bounded by J Street, Seventh Avenue, Harbor Drive and Tenth Avenue (new ballpark).

Agency Negotiator: City Manager and City Negotiation Team (Resolution No. R-289758).

Negotiating Parties: City of San Diego and San Diego Padres.

Under Negotiation: Terms of use and occupancy agreement.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Adjourn into Closed Session at the designated and noticed time.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: B275-656.)

Mayor Golding closed the hearing.

ITEM-250: Notice of Completion and Acceptance.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

<u>SUBDIVISION</u>	<u>COMMUNITY AREA</u>
Bernardo Heights Unit No. 22	Rancho Bernardo
Mesa Del Sol Unit No. 3	Mira Mesa
Meadowbrook at Scripps Ranch North	Miramar Ranch North
Scripps Ranch North Unit No. 7	Miramar Ranch North

The certification shall be made 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the City Manager or to the Subdivision Engineer, Engineering Department, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Mathis at 4:45 p.m. in honor of the memory of:

James Wilson as requested by Mayor Golding and Council Member McCarty;
Mary Hannifin as requested by Council Member Mathis; Robin Leach as
requested by Council Member Stallings; and Ethel Beasty as requested by Council
Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D309.)